

**Washington State Human Rights Commission
MEETING OF
February 23, 2006**

**Clark College
Vancouver, WA**

MINUTES

ATTENDENCE

Commissioners: Kathy Baros Friedt, Commission Chair; Dallas Barnes; Deborah Sioux Can-Lee; and Jerry Hebert

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; and Dixie Shaw, Operations Manager.

Guests: Al Flory, YWCA; Dvija Michael Bertish; Rosemere Neighborhood Association; Marell Salls, Office of Representative Jim Moeller; Bob Ross, City of Vancouver, Earl Ford, Cleo Smith, Margo Bryant, Reverend Marva Edwards, NAACP; Francine Reis, Clark County; Dean Stenehjem, Washington State School for the Blind; Maria Rodriguez Salazar, LULAC, Rogelio Salizar; Sandra Blair, US Department of Justice; Elizabeth Asahi Sato and her sons Gabriel, Samuel, and Elijah; Marcine Miles; Jim Jacks, Governor Gregoire's Office; Shareefah Abdullah, Hot Ovations Communications, Coaching & Training and Black Entrepreneurs of Clark County; and Clark Flipper, Clark College.

OPENING AND WELCOME

Commissioner Baros Friedt called the meeting to order at 7:08 p.m. Commissioners and staff introduced themselves to the audience. She then introduced NAACP Vancouver Branch President Earl Ford.

Mr. Ford spoke about incidences of racial discrimination in Vancouver. He described situations in the community and in local schools where racism has been evident. He spoke of a specific example at a school where the school canceled an athletic event because of a "rumor" that students, who were Black, had guns. He stated that the "n" word was used and condoned on school grounds. He encouraged the Washington State Human Rights Commission (WSHRC) to open a branch office in the Vancouver area. He stated that the Olympia headquarters office is too far to have an impact.

Mr. Ford then introduced the other board members of the NAACP Vancouver Branch, Cleo Smith, Margo Bryant, and Reverend Marva Edwards.

Jim Jacks of Governor Christine Gregoire's SW Washington Office spoke next. He shared information about his background, which includes past employment at the City of Vancouver. He too spoke about the need for an increased presence by WSHRC in Vancouver. Vancouver is a rapidly growing city with increased diversity, which stresses the community. He spoke of the many organizations such as those present at the forum that could work together.

Executive Director Marc Brenman thanked Governor Gregoire's office for supporting the WSHRC's efforts.

Al Flory of the YWCA spoke. He gathered information from Vancouver YWCA staff about specific incidences of discrimination that their clients reported. Some of the information was anecdotal and some was specific.

He gave an example of discrimination based on low income status. Specifically, a woman that had her application rejected for an apartment in Vancouver because she was going to sign up for the federal program "ASPIRE" that assists low income individuals. She was told that someone on "welfare" was unwelcome in the complex. He recognized that being poor isn't a protected class under the law but source of income discrimination can be connected to a protected class.

He then spoke about information on race, ethnicity, and language discrimination. YWCA receives about two inquiries per week in these areas. He shared anecdotal information about an individual that spent 10 years working on an injury claim because of language barriers.

Other inquiries or complaints received include discrimination based on sexual orientation and discrimination based on physical and mental disabilities. Those inquiries are about two times per month.

Commissioner Hebert asked what the YWCA does when it receives complaints and inquiries such as these. Mr. Flory shared that it's problematic that their staff is not trained as civil rights investigators. They listen, acknowledge the individuals and recognize the problems that individuals are facing. But it's a difficult getting them the help that they need.

Operations Manager Dixie Shaw offered to help Mr. Flory and Mr. Ford of the NAACP to determine whether or not any of the complaints from their clients are jurisdictional for the WSHRC.

Dean Stenehjem, Executive Director of the Washington State School for the Blind (WSSB) spoke about his school. He shared that 45 percent of the staff at the school are racial and ethnic minorities or persons with disabilities. He spoke about the shortage of teachers at schools like WSSB. Nationwide there are only 16 similar programs. He spoke about awareness and shared examples of needs of persons that are blind such as signs on sidewalks and sidewalk and curb

construction. He gave a specific example of a situation involving the City of Vancouver where signs were placed in the middle of the sidewalk. These are obstructions for individuals that are blind. The City of Vancouver acted swiftly and corrected the placement of the signs. Commissioner Baros Friedt spoke of a situation in Downtown Olympia on a sidewalk that had similar obstructions for individuals that are blind.

Elizabeth Asahi Sato was the next speaker. She attended the meeting with her sons Elijah, Samuel, and Gabriel, who are students in the Camas School District.

Ms. Asahi Sato read a prepared statement. She articulated incidents in the Camas School District that constitute racial harassment and discrimination and stereotyping. She expressed how she waited four years to have a conversation with the School District about the problems that her sons faced constantly while at school. She explained how well they do academically and that they are not discipline problems. She expressed extreme frustration about the situation. She's tried "everything" but hasn't given up.

Her sons shared their individual stories. They had to endure racial slurs, being called the "n" word and "darkie" on the school bus. Ms. Asahi Soto also spoke about a lack of due process; specifically, Caucasian students are allowed to put items in one of her sons hair (he wears an afro) and shoot rubber bands but are not disciplined by the school for their behavior, whereas, student of color are disciplined regularly.

Ms. Asahi Soto asked for a greater presence from the WSHRC in the Vancouver area.

Dvija Michael Bertish spoke. He highlighted the efforts to establish a local human rights ordinance in Vancouver in 2000. He shared that some criticized the plan as a "duplication of efforts" because of the work that the WSHRC already does and that the City of Vancouver would become the "thought police," telling individuals what to think and believe.

He gave an example of a Korean woman that spent one week in jail because of a language barrier. She was not provided an interpreter. There are many limited or non English speaking people in Vancouver resulting in huge language and cultural barriers. He strongly encouraged the WSHRC to open an office in Vancouver. Olympia, the closest office, is too far away.

Commissioner Barnes commented that the Commissioners feel the pain of the community and hear their frustration. He expressed that a greater presence in SW Washington is a good first step. The grassroots civil rights organizations can only do so much but everyone involved must work together.

Maria Rodriguez Salazar of LULAC spoke. She shared information about her background in Texas and the transition from Texas to Washington. She spoke about the work that her organization has done in Brewster, Washington to help protect Hispanic children. She expressed a willingness to work with groups like the NAACP and other civil rights groups to deal with the issues facing communities like racial discrimination and language barriers. It's difficult to find

good attorneys to take on cases like the one's brought against Brewster School District but LULAC has been successful in finding attorneys willing to take on such cases.

Rogelio Salazar talked about an experience that his family faced in June 2005 with discrimination at an apartment complex. Someone dumped salsa on his family door and his family felt racially harassed.

He expressed disappointment about how WSHRC staff handled his inquiry and that he was told by WSHRC staff that he did not have a case.

Marc Brenman apologized on behalf of the agency about the way staff handled his situation. Staff will look into the matter further to see what transpired with Mr. Salazar's inquiry.

(Audio tape two side one)

Shareefah Abdullah spoke about alleged discrimination within Clark County government against people of color. She stated that Clark County regularly engages in exclusionary practices by failing to hire people of color in supervisory and leadership positions within the county. And that out of 1700 positions, only 33 are occupied by minorities.

She encouraged the WSHRC to look into this matter further.

Marcine Miles practices law in Vancouver. She's currently running for County Clerk. She expressed that a greater presence by WSHRC is needed in SW Washington. Handing a person a phone number is not always effective while speaking with someone face to face may be more effective.

The Commissioners shared closing comments with the audience. They thanked everyone for their participation and sharing information with them.

There being no further business, the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

February 24, 2006

ATTENDANCE

Commissioners: Kathy Baros Friedt, Commission Chair; Dallas Barnes; Deborah Sioux Canolee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director and Tanya Calahan, Executive Assistant to the Commissioners.

OPENING AND WELCOME

(Audio tape one – side one)

Commissioner Baros Friedt called the meeting to order at 9:15 a.m.

APPROVAL OF MINUTES

The Commissioners considered the December 15-16, 2005 minutes. Commissioner Hebert made a motion to approve the December 15-16, 2005 minutes with some minor changes. Commissioner Barnes seconded the motion. MOTION CARRIED.

Commissioner Hebert made a motion to approve the January 26-27, 2006 minutes with minor changes. Commissioner Barnes seconded the motion. MOTION CARRIED.

Commissioner Baros Friedt spoke about action items from the Thursday night public forum on February 23, 2006.

Operations Manager Dixie Shaw will follow up with Earl Ford of the NAACP and Al Flory of the YWCA about the complaints from their clients that they highlighted during the forum. The agency cannot solicit complaints but if there are specific jurisdictional complaints that need referral, staff can assist with that. Commissioner Barnes spoke about a concern of the statute of limitations running out on complainants because of slowness of investigations.

If received, WSHRC staff will post job announcements and scholarship opportunities from the Washington State School for the Blind on the agency's website.

A participant at the public forum on February 23, 2006 raised issues regarding hiring practices within Clark County government. Staff will take a preliminary look at hiring practices and obtain hiring statistics within Clark County government.

Commissioner Barnes requested that the Commission send a letter to the Camas School District regarding the testimony heard during the public forum on February 23, 2006.

(Audio tape one – side two)

CASE CLOSURES

The Commissioners pulled the no reasonable cause finding for Jensen v. McDonald's from the agenda. There appear to be one or more pages missing from the finding.

Commissioner Cano-Lee asked about the Guadalupe-Quesada v. Small Tribes Organization of Western Washington no reasonable cause finding. The respondent is a non profit organization and not an actual tribe so the agency has jurisdiction over the complaint. However, the respondent asserts authority under Public Law 93-638 that allows preference for hiring Native Americans. Staff will look into the matter and see if this law applies to respondent as a non profit organization.

Commissioners Cano-Lee and Hebert commented about the Gonzales v. Arby's no reasonable cause finding. They raised the following questions and concerns. The timing of complainant's termination appears to be suspect and retaliatory. On June 21st was staff scheduled to come back for a deep cleaning? Was it mandatory? Is there proof that complainant was told to come back to work? Did the investigator talk to other employees about wrestling incidents? Did other people see the manager's behavior? Is a written reprimand sufficient for the manager's actions? "Casual" is a typographical error in the finding, it should be "causal."

Commissioner Hebert made a motion to approve case closures with the exception of Jensen v. McDonald's, Guadalupe-Quesada v. Small Tribes Organization of Western Washington, and Gonzalez v. Arby's. Commissioner Cano-Lee seconded the motion. MOTION CARRIED.

Commissioner Hebert requested a Commission meeting tab item every month for production and budget reports year-to-date and a report about where the agency stands in relation to the budget. He commented about institutionalizing the practice of staff regularly providing this information to the Commissioners.

Marc Brenman distributed several case production reports to the Commissioners.

Commissioner Barnes asked for a report that specifically describes the types of complaints received. He also requested that staff add a notation to investigative findings that indicates whether or not the investigator conducted an onsite investigation.

(Audio tape two – side one)

Discussion continued about the production reports; specifically the EEOC chart that shows EEOC cases closed under the EEOC contract for the federal fiscal year to date. The federal fiscal year runs from 10/1/2005 - 9/30/06.

Commissioner Baros Friedt asked about providing staff an opportunity to look at the agency wide production reports. Mr. Brenman commented about the current management practice of focusing on individual case production.

Share goals of the agency with employees. Individual production contributes to the whole. Emphasize the need to change the culture. Commissioner Lee concern about meeting a quota and quality goes down.

Mr. Brenman next distributed the HUD contract goals report for Federal Fiscal Year 2006.

ACTION ITEMS FROM JANUARY 27, 2006

Tanya Calahan reviewed action items from the January 26-27, 2006 Commission meeting. Those items and their status are attached to the January 26-27, 2006 minutes.

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman reviewed his monthly Executive Directors Report. He highlighted funds appropriated by the Washington State House of Representatives and the Washington State Senate for the agency.

Commissioner Barnes asked about the personnel update in the report; specifically the vacated Yakima position. Mr. Brenman explained that this is one of the positions that were occupied by a temporary investigator.

Commissioner Barnes asked about a complaint inquiry involving a board member of Evergreen Water and Sewer District 19. After consulting with the Attorney General's Office, staff determined that matter isn't jurisdictional for the agency as a public accommodation discrimination complaint. The matter involves criminal issues and law enforcement practices, which the WSHRC lacks jurisdiction to investigate. Mr. Brenman commented that local police jurisdictions are autonomous. Washington Association of Sheriffs and Police Chiefs (WASPC) doesn't assert jurisdiction of local police chiefs and sheriffs.

The agency can send some type of letter to sheriff's departments about the issue but Mr. Brenman cautioned against relying on anecdotal information. However, staff took the matter involving the Evergreen Water and Sewer District seriously and referred the aggrieved party involved to the proper criminal authorities.

The agency's new intern Seth Kirby is contacting other state Human Rights Commissions about best practices regarding sexual orientation discrimination enforcement. Mr. Brenman will update the Commissioners in March about the training component for the new expanded jurisdiction legislation covering sexual orientation.

(Audio tape two – side two)

The Commissioners next discussed their role in the strategic planning process. The Commissioners want to exercise their role and have their "fingerprint" on strategic plan.

Commissioner Baros Friedt asked that Marc Brenman send her a copy of limited English proficient principles that he spoke about in his report.

She then asked about the status of the complaint involving the student at Washington State University (WSU). Mr. Brenman assigned the complaint to himself. He recently spoke to complainant's attorney, who has now withdrawn from the case. Complainant's attorney did not want the complaint referred to Oregon for investigation. Mr. Brenman proposes writing to complainant stating that her complaint would be closed as lack of cooperation within 15 days because she has not been responsive. This practice is standard and this case would be treated like any other case.

The Commissioners requested that Mr. Brenman again offer to refer the case to the Bureau of Labor and Industries in Oregon or close it administratively if complainant does not respond back within a set time in the affirmative. The Commissioners expressed concern that Mr. Brenman does not normally do investigations and the agency's credibility level would be at issue because he was involved with writing the task force report for WSU stemming from issues raised by this complainant. There could be a perception of bias.

UNFINISHED BUSINESS

The Commissioners considered public forum topics for 2006. Commissioner Hebert requested that the April 27-28 meeting stay in Bellingham.

The June 22-23 meeting will be in Tri Cities. June 9, 2006 will still be a work study session. Commissioner Barnes will explore what options there are for Tri Cities such as a visit to a migrant camp.

August 24-24, 2005 will be in Seattle. The public forum will focus on pregnancy and maternity issues.

October 26-27, 2006 will be in Seattle at Daybreak Star Cultural Center.

November 16-17, 2006 will be in Olympia and will consist of a forum with the Governor's Interagency Committee of State Employed Women (ICSEW).

The Commissioners discussed the proposal for Ted Saunders, who was a former complainant, to come to the meeting on March 31, 2006 to discuss general accommodation issues for persons that are deaf and hard of hearing. Commissioner Hebert expressed concern about setting a precedent by allowing him time on the agenda to speak.

(Audio tape three – side one)

Discussion continued about having Mr. Saunders on the agenda. Commissioner Hebert expressed a concern about inviting others to speak on the agenda without consent of the other Commissioners. Commissioner Baros Friedt noted his concern for the record.

COMMISSIONER ACTIVITIES

Commissioner Barnes recently gave a “time capsule” speech, where he highlighted the history of Pasco and Blacks in Franklin County on a public radio station. He spoke about human rights issues also.

Commissioner Hebert participated in another “On the Border” conference. Police profiling is an issue. He recently spoke on an AM 1090 radio show also.

Commissioner Cano-Lee spoke to Executive Director Mr. Brenman about conducting a civil rights training for the Native American community at Daybreak Star Cultural Center in Seattle. She shared also that the Native American Police Advisory requested that she become a board member for their organization.

Commissioner Baros-Friedt spoke with Rosalyn Jenkins at the Commission on African American Affairs regarding complaints against a long term care facility that are race based with many litigants. She inquired about putting a summary of the complaints on the WSHRC’s website.

Commissioner Baros-Friedt announced that she is participating as a judge for the Association of Washington Cities Diversity Awards. She is also reiterated that she is working with ICSEW on a public forum.

WORKSTUDY SESSIONS

Commissioner Hebert shared information from the work study session on February 10, 2006 that he and Marc Brenman participated in.

The Executive Director’s travel will be signed by an available Commissioner. Since this issue was resolved, it was removed from the list of work study session topics. Other items removed from the list of work study session topics are budget line items, SW Washington Strategy, and Grays Harbor County follow up. These items are addressed in other initiatives.

Commissioner Baros Friedt will revise the language in the Commission Policy Resolution on Commissioner Travel and distribute the draft to the other Commissioners for review and comment.

The March 17, 2006 work study session topics will be Executive Director Evaluation Protocol and Timetable and the 2006-11 Strategic Plan. The work study session is scheduled from 3 p.m. to 7 p.m. in the Olympia headquarters office.

(Audio tape three – side two)- 60 minute tape

The Commissioners agreed that the Budget and Personnel Committees will conduct their work during work study sessions so other Commissioners can participate.

The Commissioners briefly discussed the work of the Governor's Affirmative Action Policy Committee (GAPCOM). The Governor's Executive Order is still in place for this committee.

Commissioner Hebert asked about publicizing cases on the agency's website when they are referred to the Office of Administrative Hearings for a public hearing. Marc Brenman will check with the Attorney General's Office to be sure there are no problems with disclosure by publicizing these cases in that way.

(Audio tape four – side one)

There being no further business, the meeting adjourned at 3:53 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners